

## Message Text

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PAGE 01 STATE 305906  
ORIGIN SCSE-00

INFO OCT-01 ARA-10 ISO-00 SCA-01 DHA-02 SY-05 L-03 H-02  
/024 R

DRAFTED BY SCA:SCS:JFHUGHES:JFM  
APPROVED BY SCA:SCS:AAGISE  
SCA:SCS:FESTEVEN

----- 049417 /73

P 171748Z DEC 76  
FM SECSTATE WASHDC  
TO AMEMBASSY MEXICO PRIORITY  
INFO AMCONSUL CIUDAD JUAREZ PRIORITY  
AMCONSUL GUADALAJARAPRIORITY  
AMCONSUL HERMOSILLO PRIORITY  
AMCONSUL MATAMOROS PRIORITY  
AMCONSUL MAZATLAN PRIORITY  
AMCONSUL MERIDA PRIORITY  
AMCONSUL MONTERREY PRIORITY  
AMCONSUL NUEVO LAREDO PRIORITY  
AMCONSUL TIJUANA PRIORITY

UNCLAS STATE 305906

E.O. 11652: N/A

TAGS: CASC MX

SUBJECT: W/W ARRESTS: REPORT TO CONGRESS: PL94- 329

REFERENCE: (A) MEXICO 15772  
(B) STATE 294015

1. DEPARTMENT APPRECIATES EMBASSY'S THOUGHTFUL RESPONSE  
REGARDING DATA REQUIRED FOR REPORT TO CONGRESS REQUIRED  
UNDER PL94-329. RESPONSES TO EMBASSY'S QUERIES FOLLOW  
FORMAT OF LETTERED PARAGRAPHS CORRESPONDING TO SUBPARAGRAPHS  
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REFERENCE (B):

C. VISITATION: AGGREGATE FIGURES ONLY ARE REQUIRED. THUS  
EMBASSY SUGGESTION THAT EACH POST LIST FREQUENCY OF VISITS  
TO EACH PRISON DESCRIBING EFFORTS MADE TO SEE EACH PRISONER  
ON A REGULAR BASIS IS FULLY ACCEPTABLE. IF INFORMATION

READILY AVAILABLE, POSTS SHOULD INCLUDE NUMBER RPT NUMBER OF PRISONERS SEEN ON EACH VISIT AND NUMBER OF PRISONERS DECLINING SEE CONSULAR OFFICER ON EACH VISIT AND SAMPLE REASONS GIVEN BY PRISONERS FOR NOT RPT NOT WISHING TO SEE CONOFF. IF MEANINGFUL AND AVAILABLE YOU MAY WISH TO GIVE FIGURES OF MANHOURS SPENT IN PRISON VISITS.

D. INNOCENCE: POST IS CORRECT IN ASSUMING THAT DETERMINATION GUILT OR INNOCENCE CANNOT RPT NOT BE IMPOSED ON CONSULAR OFFICER. OUR POSITION ON THIS IS CLEARLY SPELLED OUT IN REPORT TO FASCELL SUBCOMMITTEE JANUARY 27, 1976 (PAGES 8 AND 9) A COPY OF WHICH THE EMBASSY SHOULD HAVE FOR REFERENCE. WE CANNOT OVERLOOK THE POSSIBILITY, ALBEIT REMOTE OF A PRISONER MAKING A PROTESTATION OF INNOCENCE WHICH IS CREDIBLE TO CONOFF. THUS WE INCLUDE OPTION OF PROVIDING FOR THIS CATEGORY.

E. ABUSE AT TIME OF ARREST: AGREE THAT FIGURES REGARDING ACTUAL AND THREATENED ABUSE SHOULD BE REPORTED SEPARATELY.

F. CONFISCATION OF PROPERTY. CONCUR IN EMBASSY'S RECOMMENDATION.

G. EXTORTION BY ATTORNEYS: CONCUR IN EMBASSY'S RECOMMENDATION.

I. PROLONGED DETENTION: DEPARTMENT HAD ASSUMED THAT IN DISCUSSING CASES WITH INDIVIDUAL PRISONERS DURING REGULAR VISITS CONOFFS WOULD HAVE DETERMINED WHETHER OR NOT RPT NOT DELAY IN SENTENCING WAS THE RESULT OF DEFENSE PLOY.  
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CERTAINLY WE HAVE PRESUMED THAT ALL CASES PROTESTED EITHER DIPLOMATICALLY OR AT LOCAL LEVEL WOULD FALL INTO CATEGORY OF CASES FOR WHICH NO ACCEPTABLE REASON FOR DELAY HAS BEEN FOUND. EMBASSY AND POSTS SHOULD DEVELOP FULLY IN FINAL REPORT ADVERSE EFFECTS NOTED AS A RESULT OF DIRECT APPROACHES TO JUDGES IN PERSON OR BY LETTER.  
KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 17 DEC 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976STATE305906  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** SCS:JFHUGHES:JFM  
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**Errors:** N/A  
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**Original Handling Restrictions:** n/a  
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**Review Authority:** schwenja  
**Review Comment:** n/a  
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**Review Date:** 22 JUN 2004  
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**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** W/W ARRESTS: REPORT TO CONGRESS: PL94- 329  
**TAGS:** CASC, MX, US  
**To:** MEXICO  
**Type:** TE  
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